



05-10-04

PATENT

Attacher's Docket No. 101103.0001US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Smith, Richard C. & Smith, Diann Y.**

Application No.: **10/769,158**

Filed: **January 29, 2004**

For: **AMBIDEXTROUS EARPIECE**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

Date: May 6, 2004



\_\_\_\_\_  
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05/11/2004 HVUONG1 00000076 10769158

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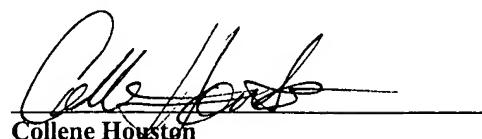
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**CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no.

EV 38270755US

Date: 5/6/04



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Collene Houston



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

| Complete if Known    |                  |
|----------------------|------------------|
| Application Number   | 10/769,158       |
| Filing Date          | January 29, 2004 |
| First Named Inventor | Richard C. Smith |
| Examiner Name        |                  |
| Art Unit             |                  |
| Attorney Docket No.  | 101103.0001US1   |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:Deposit Account Number  
Deposit Account Name

502191

Rutan &amp; Tucker, LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity      | Small Entity | Fee Code (\$)          | Fee Code (\$) | Fee Description | Fee Paid |
|-------------------|--------------|------------------------|---------------|-----------------|----------|
| 1001 770          | 2001 385     | Utility filing fee     |               |                 |          |
| 1002 340          | 2002 170     | Design filing fee      |               |                 |          |
| 1003 530.         | 2003 265     | Plant filing fee       |               |                 |          |
| 1004 770          | 2004 385     | Reissue filing fee     |               |                 |          |
| 1005 160          | 2005 80      | Provisional filing fee |               |                 |          |
| SUBTOTAL (1) (\$) |              |                        |               |                 |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    | -20** =      | X =            |          |
|              |                    |                    | - 3** =      | X =            |          |
|              |                    |                    |              |                |          |

| Large Entity      | Small Entity | Fee Description  |
|-------------------|--------------|--|
| 1202 18           | 2202 9       | Claims in excess of 20                                     |
| 1201 86           | 2201 43      | Independent claims in excess of 3                          |
| 1203 290          | 2203 145     | Multiple dependent claim, if not paid                      |
| 1204 86           | 2204 43      | ** Reissue independent claims over original patent         |
| 1205 18           | 2205 9       | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) |              |  |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 420      | 2252 210      | Extension for reply within second month                                    |          |
| 1253 950      | 2253 475      | Extension for reply within third month                                     |          |
| 1254 1,480    | 2254 740      | Extension for reply within fourth month                                    |          |
| 1255 2,010    | 2255 1,005    | Extension for reply within fifth month                                     |          |
| 1401 330      | 2401 165      | Notice of Appeal   |          |
| 1402 330      | 2402 165      | Filing brief in support of an appeal                                       |          |
| 1403 290      | 2403 145      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,330    | 2453 665      | Petition to revive - unintentional   |          |
| 1501 1,330    | 2501 665      | Utility issue fee (or reissue)   |          |
| 1502 480      | 2502 240      | Design issue fee   |          |
| 1503 640      | 2503 320      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  | 180.00   |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 770      | 2809 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770      | 2810 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770      | 2801 385      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

180.00

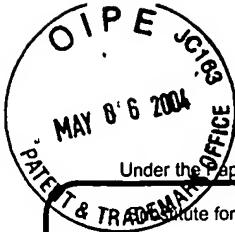
## SUBMITTED BY

(Complete if applicable)

|                   |              |                                   |        |           |              |
|-------------------|--------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Norman Carte | Registration No. (Attorney/Agent) | 30,455 | Telephone | 714-641-5100 |
| Signature         |              |                                   |        | Date      | May 6, 2004  |

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/769,158       |
| Filing Date          | 01/29/2004       |
| First Named Inventor | Richard C. Smith |
| Art Unit             |                  |
| Examiner Name        |                  |

Attorney Docket Number 101103.0001US1

## U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
|                    |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                    |                       | US-                                      |                                |  |   |
| 1                  | US-                   | D. 272,904                               | 05/03/1984                     | Kawano   |   |
| 2                  | US-                   | D. 383,757                               | 05/09/1997                     | Deobrusskin et al.                                 |   |
| 3                  | US-                   | D. 470,122 S                             | 02/11/2003                     | Hlas, Kevin et al.                                 |   |
| 4                  | US-                   | D. 470,123 S                             | 02/11/2003                     |  |   |
| 5                  | US-                   | D. 469,755 S                             | 02/04/2003                     |  |   |
| 6                  | US-                   | D. 350,961 S                             | 09/27/1994                     | Aiwa Co., Ltd. & Koji, Nakamura                    |   |
| 7                  | US-                   | 4,020,297                                | 04/26/1977                     | S. Dan Brodie                                      |   |
| See                | US-                   | Attachment 1                             |                                |  |   |
| 9                  | US-                   | D. 176,810                               | 01/31/1956                     | Norris, John R.                                    |   |
| 10                 | US-                   | 4,870,688                                | 09/26/1989                     | Voroba, Barry et al.                               |   |
| See                | US-                   | Attachment 2                             |                                |  |   |
| 12                 | US-                   | 6,411,722 B1                             | 06/25/2002                     | Wolf, Dan  |   |
| 13                 | US-                   | 6,035,961                                | 03/14/2000                     | Sun, Ming-Han                                      |   |
| 14                 | US-                   | 4,878,560                                | 11/07/1989                     | Scott, Robert T.                                   |   |
| 15                 | US-                   | 4,724,922                                | 02/16/1998                     | Kalayjian, Robert W.                               |   |
| See                | US-                   | Attachment 3                             |                                |  |   |
|                    | US-                   |  |                                |  |   |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
|                    |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |                |
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| Examiner Signature |  | Date Considered |
|--------------------|--|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## Addendum

### Attachment 1

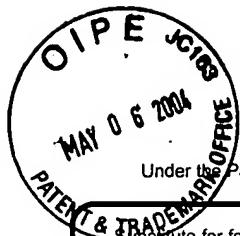
- a. 8
- b. D. 237,090
- c.
- d. 10/07/1975
- e. Ashida Onkyo Kabushiki Kalsha & Haruo Yanagawa
- f.

### Attachment 2

- a. 11
- b. 6,386,314
- c. B1
- d. 05/14/2002
- e. Natus Medicla, Inc. & Sheeham, Neil J. et al.
- f.

### Attachment 3

- a. 16
- b. 4,864,610
- c.
- d. 09/05/1989
- e. ACS Communications, Inc. & Stevens, Toni R.
- f.



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(Use as many sheets as necessary)

Sheet

1

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| First Named Inventor | Richard C. Smith |
| Art Unit             |                  |
| Examiner Name        |                  |

Attorney Docket Number 101103.0001US1

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------|-----------------------|---|----------------|
|                    | A                     | OTTO COMUNICATIONS Advertisement, "Stick It In Your Ear", Law Enforcement Technology, July 1998, p. 55.   |                |
|                    | B                     | OTTO COMUNICATIONS Advertisement/Brochure Insert, "Which Communication Product Isn't Offered By Otto?"Carpentersville, IL.  |                |
|                    | C                     | OTTO COMUNICATIONS Product Brochure, "Your Specialist in Two-Way Radio Accessories"   |                |
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| Examiner Signature | Date Considered |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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